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## PLANNING AND ZONING

### ARTICLE I

#### COUNTY TO ZONE

Sec. 1.01 Title and Purpose. This ordinance and the district zoning map shall be known as Stark County Zoning Ordinance. The purpose of the ordinance is to promote the public health, safety and general welfare of the people of Stark County, to secure the orderly development of the county, and to provide the sound and appropriate use of land. More specifically:

1. To economize on the costs of municipal facilities and services and to carefully phase residential development with the efficient provision of public improvements;
2. To establish and maintain governmental control over the eventual character of development;
3. To establish and maintain a desirable degree of balance among the various uses of the land;
4. To establish and maintain essential quality of community services and facilities;
5. To provide adequate light and air;
6. To avoid undue overcrowding of the land;
7. To conserve and develop natural resources; and
8. To conserve the value of land and buildings and encourage the most appropriate use of land.

Sec. 1.02 Authority. Pursuant to Chapter 11-33 of the North Dakota Century Code the county commissioners of Stark County are hereby empowered to regulate the use of land, height and bulk of buildings, and areas of yards and lots. The county commissioners are further empowered to appoint the zoning commission and zoning administrators needed to enforce these regulations.

Sec. 1.02.1 Regulating Farming. No regulations or restrictions herein except highway and lot setback requirements shall prohibit or prevent the use of land or buildings for farming within the unincorporated areas of Stark County.

The cities and county may be divided into districts which are to be uniform in regulations and character for the purpose of enforcing these regulations.

Sec. 1.03 Planning Commission Created. The Stark County Board of County Commissioners is hereby empowered to appoint a planning commission to include nine members, two of whom shall be appointed from the board of county commissioners, and two from the governing body of the city designated as the county seat. The remaining five members shall be appointed from the county at-large.

Sec. 1.04 Terms and Compensation. Terms of the county planning commission shall be four years.

Ex-officio members, county seat representatives and Board of County Commissioners members shall serve for the period of their respective elected or appointed terms.

Appointments to fill vacancies shall be for the unexpired portion of that term.

Members of the planning commission may be compensated for their actual expenses incurred while serving on the commission's behalf and for approved conferences, meetings and seminars by resolution of the commission.

Sec. 1.05 Zoning Commission. The planning commission shall also serve as the zoning commission and shall review and make recommendations on the zoning ordinance or district changes. The commission shall hold any required hearings and shall act upon any applications for permits required of them by this ordinance.

Sec. 1.06 Meetings. The planning and zoning commission shall at its first meeting elect a president and vice-president from among its appointed members, and they shall serve in such offices for a term of one year. The county auditor, zoning administrator or director of inspections shall be the secretary of the planning and zoning commission and as such secretary shall keep a record of the transactions, findings and determinations of the planning and zoning commission, which records shall be kept as a public record. The planning and zoning commission shall hold at least one regular meeting each month and may adopt rules and policies for the transaction of business before it.

Sec. 1.07 Board of Adjustment. The Stark County Board of County Commissioners, in essence, shall serve as the Board of Adjustment on zoning matters within the jurisdiction of the County Zoning Ordinance.

Sec. 1.08 Interpretation and Application. In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum for the promotion of the public health, safety and general welfare.

It is not intended by these provisions to interfere with, abrogate or annul ordinances, rules or permits previously adopted according to the law relating to the use of buildings or premises; nor is it intended to interfere with, abrogate or annul any easements, covenants or agreements between parties; provided, however, that where these provisions impose greater restrictions as to use or require large open space or less height than this ordinance, the greater shall prevail.



Once adopted this ordinance shall replace any existing zoning ordinance and shall be enforced as such. All previous zoning ordinances shall be null and void.

Sec. 1.09 Jurisdiction. The Stark County Board of County Commissioners shall have zoning authority over all unincorporated areas of the county excluding those areas granted the municipalities of the county pursuant to Chapters 40-47-01.1 of the North Dakota Century Code, such that:

1. All municipalities under 5,000 in population may extend zoning control to all quarter-quarter sections, the majority of which fall within one-half mile of the corporate limits.
2. All municipalities under 25,000 in population but over 5,000 in population may extend zoning control to all quarter-quarter sections the majority of which fall within one mile of the corporate limits.
3. All municipalities over 25,000 in population may extend zoning control to all quarter-quarter sections the majority of which fall within two miles of the corporate limits.

In addition to zoning regulations, the application of municipal building and property maintenance codes, basic housing code, subdivision regulations, special use licensing and fire district codes shall be enforced in the extra-territorial zoning area as well as in the incorporated area of the municipality.

Sec. 1.10 Area Zoned. The following townships, sections and portions of sections are within the jurisdiction of the Zoning Ordinance: All lands within the political boundaries of Stark County less all incorporate cities and their respective extra-territorial jurisdictions.

Sec. 1.11 Severability and Validity. If any section, subsection, sentence, clause or phrase of the above ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of said ordinance. The county commission, hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentence, clauses or phrases may be declared invalid or unconstitutional.

Sec. 1.12 Recognition of Variances and Permits. Any and all zoning variances, conditional use permits or special permits granted or issued by the county prior to April 5, 1983, the effective date of this section, shall be honored and recognized by the county and shall be valid and enforceable according to the terms and conditional use permits or special permits shall be modified or eliminated in a manner provided by law or this ordinance.



Sec. 1.13 Compliance and Effective Date. The regulations set by the provisions of this ordinance shall apply uniformly within each district to each class or kind of structure or land.

From this 5th day of April, 1983, each new use shall be in compliance with the provisions of this ordinance.

## ARTICLE II

### DEFINITIONS

Sec. 2.01 General. For the purposes of these regulations certain words and terms are hereby defined as follows:

Words used in the present tense include the future; words used in the singular number include the plural, and words used in the plural include the singular; the word "building" includes the word "structure" and "structure" includes "building"; the word "shall" is mandatory and not directory; the words "used" or "occupied" shall include within their meaning, "intended, arranged or designed to be used or occupied"; the word "person" shall include a corporation, partnership or other legal entity. Any terms not defined herein shall be construed as defined in their ordinary or dictionary meaning.

Sec. 2.02 Definitions - Words and Phrases. For the purpose of this chapter, the following words and phrases shall have the meanings herein given:

1. Accessory Buildings and Uses. A subordinate building or portion of the main building, the use of which is incidental to that of the main building or to the main use of the premises. An accessory use is one which is incidental to the main use of the premises. Accessory uses shall include but shall not be limited to personal vehicle garages, parking areas, swimming pools, fallout shelters, and storage sheds which are under 200 square feet in incorporated areas or 1,200 square feet in unincorporated areas.

2. Advertising Sign. A sign which directs attention to a business, commodity, service, activity or entertainment not necessarily conducted, sold or offered upon the premises where such sign is located.

3. Agriculture. To mean crop cultivation, the raising or feeding of livestock, and the maintaining of truck gardens including plant nurseries.

4. Alley. A narrow thoroughfare upon which the rear of premises generally abut or upon which service entrances of buildings abut and which is not generally used as a thoroughfare by both pedestrians and vehicles or which is not used for general traffic circulation or which is not in excess of thirty feet in width at its intersection with a street.

5. Alteration. As applied to a building or structure, is a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

6. Amendment. A change in the text or map of this ordinance affecting the requirements or physical extent of a district or districts, or administrative procedures. Such changes shall be developed through the amendment process as described in Section IX of this ordinance.

7. Apartment. A room or suite of rooms located on a one or two family structure or a multiple dwelling which include a bath and kitchen accommodations intended or designed for use as an independent residence by a single-family or individual.



8. Apartment Building. A multiple-family dwelling originally designed and constructed to accommodate three or more apartments designed with more than one dwelling unit connecting to a common corridor or entranceway, in contrast to single or two family dwellings converted for multiple-family use or attached row dwelling, party wall type.

9. Attached Dwelling (group, row or townhouse). A dwelling joined to other dwellings by party wall or walls.

10. Basement. A story having more than one-half (1/2) of its height below grade. A basement is counted as a story for the purposes of height regulations if subdivided and used for dwelling purposes other than by a janitor employed on the premises.

11. Bee Operation. An apiary with 25 or more hives or a plant used for the extraction of but not the refining of honey.

12. Block. A tract of land bounded by streets or a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines, waterways or boundary lines of the corporate limits of the city.

13. Boarding House. A place containing two or more lodging or rooming units where lodging is provided for definite periods of time of one week or more and for compensation. Communes and homes occupied by unrelated persons who do not represent a family are included.

14. Board of Adjustment. The body authorized by the county Commission of Stark County to hear appeals on the enforcement of the provisions of this ordinance and to grant variances.

15. Building. A structure having a roof self-supported by columns and/or exterior walls. When separated by division fire walls without openings, each portion of such building shall be deemed a separate building. The word "building" shall include structures of every kind, regardless of similarity to buildings.

16. Building Area. That portion of the lot that can be occupied by the principal use, excluding the front, rear and side yards.

17. Building Height. The vertical dimensions mentioned from the average elevation of the finished lot grade at the front of the building to the highest point of a flat roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof.

18. Building Line. A line established, in general, parallel to the front street line beyond which no part of a building shall project, except as otherwise provided by this resolution.

19. Bulk Materials. Uncontained solid matter such as powder, grain, stone, sand, sulphur, etc., that has a tendency to become airborne.

20. Certificate of Zoning Occupancy. A certificate stating compliance with zoning district regulations.



21. Clear Sight Triangle. An area of unobstructed vision seventy-five feet from the point of a street intersection running along the centerlines of the intersecting streets and defined by lines of sight forming a square between all intersecting streets.

22. Clinic. An establishment where patients, who are not lodged overnight are admitted for examination and treatment by a physician or a group of physicians practicing medicine together.

23. Club. A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

24. Commercial Building. Any structure which is not used for residential, medical, religious, or instructional purposes and which is constructed in compliance with the adopted building code.

25. Community Garage. A group of private garages located jointly on any lot or premises of two or more adjacent premises and having no shop or service in connection therewith, providing the storage space includes at least two hundred and fifty (250) square feet for each motor vehicle.

26. Conditionally Permitted Use. Uses which are not usually allowed within a particular zoning district, but which may be allowed under special conditions if it can be shown that the use would not threaten the health, safety or general welfare of neighboring residents.

27. Condominium. A multiple dwelling unit in which each unit is individually owned and where exterior property is in common ownership with articles of condominium recorded.

28. Decibel. A unit of measurement of the intensity of sound level.

29. Detached Building. A building surrounded by open space, such open space being on the same zoning lot as the building.

30. Detached Dwelling. A dwelling entirely surrounded by open space, such open space being on the same zoning lot as the principle dwelling.

31. Displacement (vibration). Displacement is the amount of motion involved in a vibration.

32. District. A section or sections of Stark County for which regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

33. Dwelling. A building or portion thereof not including a house trailer, designed or used exclusively for residential occupancy, including one-family, two-family and multiple-family dwelling units but not including hotels, motels, boarding or lodging houses.

34. Dwelling, Multiple. A single building designed for and occupied exclusively by more than two families with one family per unit.



35. Dwelling, Mobile Home. A structure transportable in one or more sections which is eight body feet or more in total width and is thirty-two body feet or more in total length and which is built on a permanent metal chassis and designed to be used as a dwelling with or without permanent foundation and additions when connected to the required utilities and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

36. Dwelling, Single-Family. A building having accommodations for and occupied exclusively by one-family.

37. Dwelling, Two Family. A building designed with two separate living quarters, including separate baths, to be occupied exclusively by two families.

38. Dwelling Unit. One or more rooms in a dwelling or apartment hotel designed for occupancy by one-family for living purposes and having its own permanently installed cooking and sanitary facilities.

39. Easement. A vested or acquired right to use land, other than as a tenant, for a specific purposes; such right being held by someone other than the owner who holds title to the land.

40. Family. Persons related by blood or marriage; relatives or kinfolks.

41. Farm. Is a zoned parcel in Stark County containing at least forty (40) acres, which is used for the growing of the usual farm products such as vegetables, fruit trees, and grain, and their storage on the area, as well as for raising thereon the usual farm poultry and farm animals, such as horses, cattle, sheep and swine. The term farming includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities, and provided further that farming does not include the commercial feeding of garbage or offal to swine or other animals. The owner or tenant of the farm shall earn fifty-one percent or more of his or her annual income from the operation of the farm.

A small isolated parcel which is part of a larger farm shall be considered a farm.

42. Farm-to-Market Road. That part of the road system of Stark County designated as farm-to-market roads by the board of county commissioners and as Federal Aid Secondary Roads by the North Dakota State Highway Department.

43. Feed Lot. A parcel of land whereon there is contained an operation of feeding animals in excess of ten feeder calf units per acre or equivalent thereto.

44. Foot Candle. A unit of illumination intensity.

45. Frequency. The number of oscillations per second in a sound wave and is an index of the pitch of the resulting sound.

46. Garage, Private. An accessory building or portion of a main building designed or used for the storage of not more than four (4) vehicles owned and used by the occupants of the building to which it is accessory.

47. Garage, Public. A building or portion thereof, other than a private or storage garage, designed or used for equipping, repairing, hiring, servicing, selling or storage of vehicles.

48. Garage, Storage or Parking. A building or portion thereof designed or used exclusively for term storage by pre-arrangement of motor-driven vehicles as distinguished from daily storage, and within which motor fuels and oils may be sold, but no motor-driven vehicles are equipped, repaired, hired or sold.

49. Grade. The surface of the ground, court, lawn, yard or sidewalks adjoining a building; with the established grade being one fixed by Stark County and which established grade shall also constitute the natural grade and the finished grade.

50. Grazing Area. A parcel of land whereon there is contained an operation of grazing animals consisting of more than ten acres, and allowing at least five acres per feeder calf unit.

51. Highways. The public road system of the county defined as:

- (a) Interstate: The federal aid, four lane, non-access highway under state jurisdiction.
- (b) Primary: A street or highway used primarily for fast or heavy traffic including expressways, and boulevards where access is permitted, and which includes highways designated as primary on the state system.
- (c) Secondary: Highways designated as secondary on the state system.
- (d) Farm-to-Market Road: Roads designated as Federal Aid Secondary Roads on the county system.
- (e) Rural Roads: Roads on section line right-of-ways, maintained by the county.

52. Home Occupation. Any occupation or profession carried on by a member of a family residing on the premises, conducted entirely within the dwelling and involving no yard storage of materials or commercial vehicles. The occupation or profession shall be clearly incidental and secondary to the primary residential use of the premises and does not change the character thereof. One person who is not a family member may be employed on the premises.

53. Hotel or Motel. A building where lodging with or without meals is provided and offered to the public for compensation and which has more than ten (10) sleeping rooms. Hotels include motels and automobile courts.

54. Improvements. Street grading and surfacing with or without curbs, gutter, sidewalks, crosswalks, watermains, sanitary and storm sewers, culverts, bridges, streets, and landscaping.

55. Industrial Districts. The areas designated by the county commission of Stark County to the District Zoning Map which provides for the grouping of manufacturing, assembly and heavy commercial activities.



56. Industrialized Housing. A detached residential structure designed for transportation, after fabrication, on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling or group of dwellings complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks, or other temporary or permanent foundations, connections to utilities or the like.

57. Junk Yard. Land or buildings where waste, discarded or salvaged materials are brought, sold, stored, exchanged, cleaned, packed, disassembled or handled including but not limited to scrap metal, rags, paper, hides, rubber products, glass products, lumber products and products resulting from the wrecking of automobiles or other vehicles.

58. Kennel. A commercial facility for the boarding and breeding of three or more adult common household pets or animals where veterinarian services and facilities are not provided.

59. Land Disturbance Permit. A permit required prior to the occupancy of a building, parcel or tract of land when there has been no new construction on the building or parcel. The land disturbance permit is replaced by a building permit when construction is involved.

60. Lodging or Rooming Unit. A lodging or rooming unit is a room rented as sleeping and living quarters but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one lodging room or rooming unit for the purposes of this chapter.

61. Lot or Parcel. A tract of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and open spaces as are herein required.

62. Lot, Corner. A lot located at the intersection of two streets or a lot bounded on two sides by a curving street two chords of which form an interior angle of one hundred twenty degrees or less.

63. Lot, Coverage. The total area of building expressed as the percentage of the total lot, plot or tract.

64. Lot, Depth of. The mean horizontal distance between the front and rear lot line.

65. Lot, Frontage. The front of a lot shall be understood to be the portion nearest the access street. For the purpose of determining the yard requirements on corner lots, either side, of a lot adjacent to streets shall be considered frontage.

66. Lot, Width. The distance between straight lines connecting front and rear lot lines at each side of the lot measured at the rear of the required front yard.

67. Lot of Record. A lot which is a part of a subdivision, the map of which has been recorded in the office of the Stark County register of deeds, or a parcel of land, the deed of which was recorded in the office of the register of deeds prior to the adoption of this ordinance.



68. Master Plan. The comprehensive plan, or any portion thereof, made and adopted by the planning commission in accordance with the laws of the state of North Dakota and regulations of the county of Stark indicating the general or specific locations recommended for streets, parks, public buildings, zoning district and all other public improvements to include local policies and standards.

69. Mobile Home. See Dwelling, Mobile Home.

70. Mobile Home - Class A. A double-wide mobile home which is not less than twenty-four (24) feet in width and which is acceptably similar in appearance and shape to a conventionally built single-family home. Such mobile home shall be placed on a permanent foundation with proper poured footings and shall be taxed as real property. The roof shall have a 4:1 pitch or greater and shall be covered with wood or asphalt shingles. Exterior walls shall be or have the appearance of being wood siding or masonry and shall not be sheet siding with a verticle orientation.

When attached to any required utilities such mobile home shall serve as a permanent dwelling.

71. Mobile Home District. The area designated by the county commission of Stark County on the District Zoning Map for development of mobile home residential dwelling units.

72. Mobile Home Park (or Court). A tract of land designed and developed to accommodate mobile homes, each occupying a portion of the site of a purchased, leased or rental basis and each provided with the necessary utilities and other amenities so that the total development serves as a suitable environment for long term residential occupancy.

73. Modular Home. A structure transportable in two or more sections, said sections not being built on a permanent chassis, but which sections are designed to be grouped together to form a unit and which is to be used as a dwelling with a permanent foundation when connected to be the required utilities and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

74. Net Buildable Area. The total area of a lot or parcel bounded by property lines.

75. Non-conforming Use. A use which lawfully occupied a building or land on April 5, 1983, and which does not conform with the use regulations of the district in which it is located.

76. Non-Farm Residence. A single-family dwelling which is to be situated on a parcel and whose initial occupant may or is to be a non-farmer or any other person who does not intend to farm such parcel or engage in upon such parcel the raising of livestock or other similar operations normally associated with farming and ranching or who does not expect to receive thereafter fifty or more percent of his annual net income solely from the foregoing farming and other activities engaged in upon such parcel.

77. Outlot. A plot of land devoted to and recorded as a single principle use which has proper road and utility access.



78. Parking Space. A land area of not less than one hundred eighty square feet exclusive of driveways and aisles, of such shape and dimensions and so prepared as to be usable for the parking of a motor vehicle and so located as to be readily accessible to a public street or alley.

79. Permanent Foundation. A wood or masonry foundation which extends below frost level and is set on footings. The footings may be concrete or gravel depending on soil conditions.

80. Permitted Use. Any use which complies with the requirements of a zoning district.

81. Planning Commission. The planning commission of Stark County, North Dakota.

82. Plat. Any map, plan or chart of a tract of land or subdivision indicating the location and boundaries of individual properties which is prepared in accordance with the requirements of Chapter 40-50 North Dakota Century Code.

83. Plot. A tract other than one unit of a recorded plat or subdivision and occupied and used or intended to be occupied for development, or intended to be improved and having a frontage upon a public street or upon a thoroughfare or upon a highway or upon a traveled or used road and including as a minimum such open spaces as required under this chapter.

84. Principle Building. A nonaccessory building in which is conducted the principle use of the zoning lot on which it is located. All lots and outlots shall have a single principle building.

85. Prohibited Use. Any use or structure which is not allowed in a particular district. Any use not identified explicitly in this ordinance shall be considered prohibited and shall not be allowed until incorporated through amendment procedures.

86. Public Open Space. Any publicly owned area, including but not limited to the following: Parks, playgrounds, school sites, parkways and streets.

87. Public Utility. Any person, municipal department or board fully authorized to furnish and furnishing under municipal regulation to the public electricity, gas, steam, communication services, telegraph services, transportation or water.

88. Recreational Areas. Developed playground or maintained play area which is not less than 20 feet by 20 feet.

89. Recreational Vehicle (RV). See travel trailer.

90. Recreational Vehicle (RV) Park. See trailer camp.

91. Residential Districts. The areas designated by the county commission on the District Zoning Map for development of residential dwelling units.

92. Rest Home, Nursing Home or Convalescent Home. A private home for the care of children or the aged or infirmed or a place of rest for those suffering bodily disorders. Such home does not contain equipment for surgical care or for treatment of disease or injury.



93. Salvage Yard. A place where used parts of automobiles or other equipment are collected and processed for resale.

94. Service (Filling) Stations. Any building or premises where automotive fuels are stored underground and made available for sale and dispensing through fixed equipment into fuel tanks of motor vehicles and where automobile lubricants, supplies and accessories and related services to motorists may or may not be available, except that if the sale and dispensing of automotive fuels is incident to the conduct of a public garage the premises are classified as a public garage.

95. Setback. The line within a property defining the required minimum distances between any structure or use and the adjacent right-of-way or property line of any lot.

96. Sign. Any outdoor advertising having a permanent location on the ground or attached to or painted on a building including bulletin boards, billboards, name plates and poster boards.

97. Stables-Private. A detached accessory building for the housing of horses, ponies or mules owned by the occupants of the premises and not kept for remuneration, or hire.

98. Stables-Riding. A structure in which horses, mules or ponies used exclusively for pleasure riding or driving are housed, boarded, or kept for hire, including riding tracks or academies.

99. Story. That portion of a building other than a cellar, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it then the space between the floor and the ceiling next above it.

100. Street. A way for vehicular traffic designated as a street, highway, boulevard, thoroughfare, parkway, throughway, avenue, road or court on the official records and maps of the city.

- (a) Arterial Streets and Highways: Those which are used primarily for fast or heavy traffic.
- (b) Collection Streets: Those which carry traffic from minor streets to the major system of arterial streets or highways, including the principle entrance streets of a residential development and streets for circulation within such a development.
- (c) Marginal Access Streets: Minor streets and frontage roads which are parallel to and adjacent to arterial streets and highways, and which provide access to abutting properties and protection from through traffic.
- (d) Minor Streets: Those which are used primarily for access to the abutting property.

101. Structural Alterations. Any change in the supporting members of a building such as bearing walls, partitions, columns, beams or girders, excepting such alterations as may be required for the safety of the building.

102. Structure. Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including signs and billboards, but not including fences or walls used as fences.

103. Subdivision. The division of a tract or parcel of land 20 acres or larger into lots or parcels of land for the purpose, whether immediate or future, of sale or of building development, including any plat or plan which includes the creation of any part of one or more streets, public easements, or other rights-of-way whether public or private, for access to or from such lots or parcels of land, and/or including the creation of new or enlarged parks, playgrounds, plaza or open spaces. "Resubdivision" includes the division of one or more lots as parcels of land in a subdivision made and recorded prior to or after the date these resolutions are adopted. However, the division of land for agricultural purposes into parcels of 10 or more acres, not involving any new street or easement of access, shall be exempted from these resolutions. )

104. Temporarily Permitted Use. A conditionally permitted use which has a definite time period as one of its conditions.

105. Tourist Camp. An area containing one or more tents, auto trailers or other portable or mobile shelters for use as temporary living facilities of one or more families, and intended primarily for automobile transients.

106. Townhouse. A row of houses connected by common side walls with individual ownership of front and rear yards.

107. Tract. A plot, piece or parcel of land other than a lot which is recorded in the office of the register of deeds of Stark County.

108. Travel Trailer. Any vehicle or structure, not more than eight feet in width or thirty-two feet in length, including but not limited to an automobile trailer and trailer coach, mounted on wheels for use on highways and streets; propelled or drawn by its own or other motor power; and designed and constructed to provide for living or sleeping quarters for one or more persons or for the conduct of a business, profession, trade or occupation, or use as a selling or advertising device.

109. Trailer Camp. A tract of land, together with open spaces required by this or any other regulation, used, designed, maintained, or held out to accommodate three or more trailers, including all buildings, structures, tents, vehicles, accessories, appurtenances used or intended as equipment for such trailer camp, whether or not a charge is made for the use of the camp or the facilities. A trailer camp does not include automobile or trailer sales lots on which unoccupied trailers are parked for inspection and sale.

110. Truck Garage. A building which is used or intended to be used for the storage of motor trucks, truck trailers, tractors and commercial vehicles exceeding one and one-half tons capacity.



112. Use. The term referring to:

- (a) Any purpose for which buildings, other structures or land may be arranged, designed, intended, maintained or occupied and
- (b) Any occupation, business, activity or operation carried on (or intended to be carried on) in a building or other structure or on land, or
- (c) A name of a building, other structure or tract of land which indicates the purpose for which it is arranged, designed, intended, maintained or occupied.

113. Variance. A relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the actions of the applicant and where the literal enforcement of the ordinance would result in unnecessary and undue hardship.

114. Yard. An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for a purpose of determining the width of a side yard, the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

115. Yard, Front. A yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street or frontage line and the main building or any projection thereof, other than the projection of the usual steps or entrance-way.

116. Yard, Rear. A yard extending across the rear lot between the side lot lines and being the minimum horizontal distance between the rear lot and the rear of the principle building or any projections other than steps. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

117. Yard, Side. A yard extending from the front lot line to the rear yard line, and being the minimum horizontal distance between the side lot and the side of the principle building or any projections thereof.

118. Zoning Administrator/Director. The person or persons assigned the responsibility for the day to day administration of the zoning ordinance and map. Said person or persons shall be the initial contact on any zoning matter and shall be responsible to the Stark County Commission, but shall not be a member of said commission.

119. Zoning District Map. The map showing the zoning districts officially adopted by the Stark County Commission.

ARTICLE III  
GENERAL PROVISIONS

Sec. 3.01 General District Regulations. The following regulations shall apply as the minimum requirements within and for all of the zoned districts heretofore designated:

1. No building shall be erected, converted, enlarged, placed or reconstructed, nor shall any building or land be used except for the purpose permitted or conditionally permitted in the district in which the building or land is located.
2. No building shall be erected, converted, enlarged, placed, reconstructed or structurally altered except in conformity with the area and density regulations of the district in which the building is located.
3. The minimum yards and open spaces including lot area and net buildable area required by these regulations for each and every building at the time of the passage of these regulations or for any building thereafter erected shall not be encroached upon or considered as yard or open space requirements for any other buildings nor shall any lot area be reduced beyond the district requirements of these regulations.
4. Every residential building hereafter erected or structurally altered shall be located on a lot or outlot as herein defined and in no case shall there be more than one principle building on one lot except as otherwise provided in Planned Unit Development (PUD). Accessory buildings shall meet the size requirements of this ordinance.
5. The listing of any use as being permitted in any particular district shall be deemed to be an exclusion of such use from any other district unless such use is specifically permitted in another district under the language set forth in the use regulations.
6. Areas which are involved in a change of zoning jurisdiction shall be changed to a new district following proper amendment procedure as herein presented. Areas not previously zoned shall be designated agricultural and may be subsequently changed to a different district through amendment procedures.
7. No application for a building permit or other permit or license or for a certificate of occupancy shall be approved by the zoning administrator and no permit or license shall be issued by any other county department which would authorize the use or change in use of any land or building contrary to the provisions of this chapter, or the erection, moving, alteration, enlargement or occupancy of any building designed or intended to be used for a purpose or in a manner contrary to the provisions of this chapter.



In addition, no permit, license or certificate of occupancy shall be issued for any use or structure which is contrary to the adopted Floodplain Ordinance or Area Subdivision Regulations. Uses which conflict with the approved master plan may be denied a permit or certificate of compliance.

Sec. 3.02 Non-conforming Use. The lawful use of any building, structure of land existing at the time of the enactment of this ordinance may be continued. For any subsequent changes, action by the board of county commissioners is required provided that the following conditions are met:

1. Alterations. A non-conforming building or structure may be altered, improved, moved or reconstructed provided such work is not to an extent exceeding in aggregated cost of 25 percent of the assessed value of the building or structure unless the building or structure is changed to a conforming use.
2. Extension. A non-conforming structure or building shall not be extended in area or height. But the extension of a lawful use to any portion of a non-conforming building or structure which existed prior to the enactment of this ordinance shall not be deemed the extension of such non-conforming use.
3. Changes. A non-conforming building, structure or use may be changed to another non-conforming use if there is no physical change in the building or structure and no change in the effect on surrounding properties. A change shall involve the submission and approval of a conditional use permit and shall be addressed with a certificate of occupancy.
4. Abandonment, destroyed or damaged. A non-conforming use or structure which has been destroyed, damaged beyond 50 percent of its assessed value and must be demolished or is vacated for a period of one year shall not thereafter be returned to such non-conforming use. Structures or buildings which may be reconstructed must be under construction through a diligent program within one year. A change in occupancy represents a break in the non-conforming use.
5. District Changes. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing shall apply to any non-conforming uses existing or resulting from the district change therein. Any structure or building on a public easement shall be non-conforming by definition.
6. Unlawful Use Not Authorized. Nothing in this chapter shall be interpreted as authorization for or approval of the continuance of or use of a structure or premises in violation of zoning regulations or other city or county laws, codes or regulations in effect.

Sec. 3.03 Permitted Use. Any use which complies with all the requirements of a zoning district. Permitted uses are those which shall not entail any variables or components which may affect the health, safety or welfare of the general public and which should be granted unconditionally.

No structure or building for residential, commercial, industrial or public use, including accessories shall be built, altered or moved until a permitted use permit is granted by Stark County or their representative. Such permit is only valid for a period of one year and applies only to the project thereon described. Permit uses include those accessory uses commonly associated with the principle use. A permitted use permit or land disturbance permit shall identify accessory uses.

A permitted use permit is required for any move to a different foundation, change or establishment of use in addition to any construction which involves a cost of materials in excess of \$1,500 or change to foundation dimensions.

Where structures or buildings are involved, the permitted use permit shall be represented by the permit. When no structures are involved, a land disturbance permit may be issued.

The review of a permitted use permit application normally involves the actions of the zoning administrator and does not require a public hearing as specified in Article IX. When circumstances which raise unusual questions arise, the zoning administrator may relinquish permit authority to the board of adjustment.

Sec. 3.04 Conditionally Permitted Use. A use which could represent a hazard to the general health safety and welfare of the residents of Stark County and as such shall have specific stipulations or conditions assigned to ensure that problems do not occur.

A conditional use permit shall serve as a land disturbance permit when no buildings or structures are involved and as a building permit, when a structure or building is involved. A conditional use permit applies only to those uses specified within the zoning district stipulations. Unlike a variance to the zoning ordinance, a conditional use permit involves more rather than less stringent guidelines.

A conditional use permit application shall require a public hearing conducted by the county planning and zoning commission with final action taken by the Stark County Board of County Commissioners.

The conditions imposed through the conditional use permit process may include but are not limited to:

1. Time limitations for permit validity;
2. Employment levels and additional off-street parking requirements;
3. Noise, traffic, run-off, odor, pollution, dust and visual abatement programs;



4. Building permit specifications;
5. Additional yard or open space set-asides;
6. Maintenance programs;
7. Related public facilities or public easements;
8. List of adjacent neighbors;
9. Hours of operation for a commercial enterprise;
10. Additional lighting, lighting direction;
11. The use of signs;
12. Compliance with the approved master plan;
13. State of North Dakota design and performance standards which may include but are not limited to the state Health Department, Highway Department, Water Commission, Fire Marshall, Federal Aviation Administration and State Laboratories.

The applicant shall supply to the board of county commissioners any additional information or planning materials which the board feels are necessary to help arrive at a fair decision.

Sec. 3.05 Certificate of Occupancy. Any building or structure prior to occupancy or land prior to use shall receive a certificate of occupancy. Such certificate shall indicate that building permit, conditional use permit or general zoning stipulations have been complied with. A certificate of occupancy shall be acquired before there is a change in a non-conforming use, conditional use or permitted use. A reapplication for a conditional use permit may also be required.

The final provision of electrical power, natural gas or water services by a department, company, firm, person or cooperative shall be discouraged when a certificate of occupancy has not been issued.

Sec. 3.06 Prohibited Uses. Any uses or structures which are not listed as permitted or conditionally permitted in a zoning district shall be prohibited and shall not be allowed by permit or variance. Certain common problem uses are listed as prohibited for the sake of clarity.

Any person aggrieved by the designation of a use as prohibited may submit a petition for amendment to have said use changed to permitted or conditionally permitted.

Sec. 3.07 Variance. A variance is a relaxation of certain terms of this ordinance where the strict enforcement of these terms shall represent an undue hardship to an individual or company because of their unique circumstances. A

variance shall not provide any occupant within a certain district with any advantages or allowances which other district occupants may not enjoy. The health, safety and welfare of the general public shall not be jeopardized through the granting of any variance.

A variance shall not allow a use otherwise prohibited. A variance shall address conditions of use to include setbacks, densities, lot areas, off-street parking, screens and buffers, building height, street and highway access, run-off rates, service easements, and development time frames. The procedures for variance application are presented in Article IX.

Sec. 3.08 Amendment. An amendment is a change to the zoning ordinance or map. An amendment represents a general change as opposed to a change specific to a certain property, use, owner or situation.

Amendments involve application through the zoning administrator, a hearing by the planning and zoning commission and a decision by the Stark County commission pursuant to the procedures presented in Article IX.

Changes to the zoning map represent changes in policy and shall in most cases involve more area than initially presented in the application. Areas to be changed or re-zoned shall be a minimum of 2.2 acres in serviced areas or 10 acres in unserved areas.



ARTICLE IV  
ESTABLISHMENT OF DISTRICTS

Sec. 4.01 Use and Area Districts Established. For the purpose of this chapter Stark County is hereby divided into use districts and area districts as provided hereinafter and designated per the adopted zoning map.

Sec. 4.02 Maps and Boundaries. The boundaries of these districts are hereby established as shown on a map entitled "Stark County Zoning Map" which is on file in the office of the zoning administrator, said map with all explanatory matter thereon shall be deemed to accompany, be, and is hereby made a part of this chapter.

Sec. 4.03 Preparation and Maintenance of Zoning Maps. The official zoning map shall be prepared and accurately maintained by the zoning administrator and be displayed at all times in the office of the County Zoning Administrator.

Sec. 4.04 Certificate Relating to Zoning Map. The official zoning map shall bear the signature of the president of the board of county commissioners and the certification of the county auditor and the date of adoption of these regulations. If any changes to the map are made by amendment such changes shall be made to the official zoning map and signed and certified upon the map or upon materials attached thereto.

Sec. 4.05 Boundaries. In determining the boundaries of zoning districts shown on the map the following rules shall apply:

1. Unless otherwise indicated the zone boundaries are the center lines of rights-of-way for streets, roads, highways, alleys, channelized waterways and railroads or such lines extended.
2. In unsubdivided property zone boundaries shall be determined by use of the scale on the map. A legal description using section lines or fractional section lines acceptable to the planning commission shall be made available if a controversy arises concerning zone district boundaries.
3. Where a district boundary is shown by a specific dimension as being located at any given distance from any right-of-way line such specific dimension shall govern.
4. All areas which are under water at normal water levels shall be subject to all the regulations of the district in which it is located. Where the water area adjoins two or more districts the boundary shall be extended through the water(s).

5. Where a district boundary line divides a lot which was in single ownership on April 5, 1983, the Stark County Board of County Commission may permit, as a conditional use, the extension of the regulations for either portion of the lot not to exceed fifty feet beyond the district line into the remaining portion of the lot.
6. Where a difference of opinion may exist as to the exact boundary line of a district, the same shall be determined by the board of county commissioners following a public hearing.

Sec. 4.06 Vacating of Streets, Alleys or Public Ways. Whenever any street, alley or other public way is vacated by official action of the board of county commissioners the zoning districts adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacated area and all area included in the vacated area shall then and henceforth be subject to all appropriate regulations of the extended district.



ARTICLE V  
ZONING DISTRICTS  
AND AREA REQUIREMENTS

Stark County and the cities of Stark County are hereby divided into the following use districts.

- RA - Residential, Agriculture
- RLD - Residential, Low Density
- RMD - Residential, Medium Density
- RHD - Residential, High Density
- MH - Mobile Home
- C - Commercial, Retail and Service
- HC - Heavy Commercial
- I - Industrial
- P - Public and Recreational

Sec. 5.01 RA Residential, Agricultural. It is the purpose of this district to protect farmland and farm related activities while providing for the development of rural residential housing and the county's mineral resources.

Sec. 5.01-A Permitted Uses

1. Cemeteries
2. Churches
3. Commercial grain elevators
4. Farming
5. Greenhouses, nurseries and commercial gardens
6. Home occupations
7. Non-commercial golf courses and country clubs and other private recreation clubs
8. Parks and natural preserves
9. Pumping or substations on pipelines and power transmission lines
10. Roadside stands for produce grown on the premises
11. Schools, private and public.

Sec. 5.01-B Conditional Uses

1. Anhydrous ammonia
2. Bee operations
3. Commercial golf courses, clubs, pools
4. Feedlots
5. Gravel pits, crushing and stockpiling
6. Heavy commercial outdoor storage with proper screening or buffering and no permanent structures or buildings
7. Livestock transfer and feeding operations
8. Mineral and other substance excavation and mining in accordance with the provisions of Sec. 6.10

9. Mineral and other substance exploration in accordance with the provisions of Sec 6.10
10. Mobile homes in approved subdivisions or outlots
11. Non-farm residences on approved outlots
12. Private stables
13. Professional offices
14. Public office, meeting or auditorium structures
15. Sleeping rooms for not more than two roomers or boarders
16. 20 acres or larger Planned Unit Developments (PUD) which meet design standards
17. Water supply structures.

Sec. 5.01-C Area and Density Requirements. Any building in any use district except those in an agricultural district which are a part of a farm operation shall only be placed on a lot or parcel with the following minimum areas and at no greater than the following densities:

1. Farms-40 acres
2. Heavy commercial and industrial with septic system - 40,000 square feet
3. Homes with septic system - 40,000 square feet with 100 feet minimum width and 200 feet minimum depth
4. Homes with sewer and water delivery systems - 20,000 square feet.

Sec. 5.01-D Setback Requirements. The following uses and other uses to be determined by the planning commission shall not be located within one mile of an existing single-family residence or residential district, nor shall a residence or single-family residential district be established within one mile of the following uses when already established. Exceptions to this requirement will be made on a case-by-case basis through the zoning commission. When problems may occur due to topographic conditions or prevailing wind directions, more distance may be required:

- a. Airport
- b. Anhydrous ammonia or propane bulk storage or depot
- c. Bee operations
- d. Livestock feedlot
- e. Heavy commercial storage.

1. Front Yard

All farm and non-farm structures on lots or parcels shall be setback 50 feet or more from any road, street, or highway easement in accordance with Sec. 6.04 of this ordinance.

2. Side Yard

Any non-farm building or structure shall have side yard setbacks which are each not less than 10 percent of the total lot width and not less than 15 feet.

Sec. 5.02 RLD - Residential, Low Density. The purpose of this district is to provide for and protect single-family residential developments and associated neighborhood uses.



#### Sec. 5.02-A Permitted Uses

1. Churches
2. Day care centers
3. Non-commercial golf courses and recreational clubs
4. Schools
5. Single-family detached dwellings including modular homes
6. Temporary real estate signs or political signs
7. Parks and playgrounds and recreational areas.

#### Sec. 5.02-B Conditional Uses

1. Duplexes
2. Fire halls
3. Home occupations
4. Hospitals and nursing homes
5. Medical clinics
6. Office or public municipal buildings
7. Private training schools
8. Planned Unit Developments (PUDS)
9. Sleeping rooms with separate passages for not more than two roomers
10. Water reservoirs.

Sec. 5.02-C Area and Density Requirements. Any building shall only be placed on a lot or parcel with the following minimum areas. Area requirements are applied to the net buildable area of the lot.

1. Churches and schools may cover up to 70 percent of the lot.
2. Residential buildings and structures shall not cover more than 30 percent of the net buildable area of the lot or parcel.
3. Serviced Single-family, modular or duplex - 7,000 square feet.
4. Serviced Residential - no more than six detached units to the buildable acre.
5. Unserviced Residential - no more than one unit to the net buildable acre.

Sec. 5.02-D Setback Requirements. Buildings and structures shall be setback given distances from lot lines, alley easements and zoning district boundaries. Said setbacks are designed to assure adequate air, light and access to any building, structure or use and to separate and protect incompatible structures or uses.

Yards established in accordance with residential district setback requirements shall be free of built obstructions which extend more than 18 inches from the face of any building. Fire escapes or fire proof staircases, uncovered porches or terraces constructed at entrance level, one story bay windows, eaves and gutters, landings and steps shall not be considered yard obstructions and may extend six feet into front yards and four feet into side yards.

1. Front Yard

- a. Front yard setbacks shall be measured from the front face of the principle structure to the property line.
- b. Where the building on both abutting lots within a residential district are within 100 feet of the lot in question and which have front setbacks which are less than the required depth for the district, then the lot in question need not exceed the average depth of setbacks on the two abutting lots.
- c. When only one abutting lot is occupied by a structure which does not meet district front setback requirements then the lot in question need not exceed the depth half way between that required in the district and that of the abutting lot.
- d. Accessory buildings shall not be constructed in any front yards in any residential district.
- e. The minimum RLD setbacks are:

All residential and institutional buildings and uses shall be setback 25 feet from the property line.

2. Side Yard

- a. Side yard setbacks are measured from the side face of the principle structure to the side property line.
- b. When accessory buildings are placed in the side yard in residential districts they shall be not less than three feet from the property line.
- c. Air-conditioning units which are not window units shall not be allowed in any side yard.
- d. Minimum RLD requirements:

Any principle structure shall have side yard setbacks which are 10 percent of the lot width and not less than six feet.

Any principle structure on a lot greater than 100 feet wide shall have side yard setbacks which shall be a minimum of ten feet.

3. Rear Yard

- a. Rear yard setback shall be measured from the center of the alley or utility easement to the face of the deepest permanent structure including garages which is greater than 200 square feet in size.



b. Minimum RLD requirements:

Rear yard setbacks shall equal or exceed 20 feet for principle structures and 14 feet for accessory structures. When the principle structure exceeds 24 feet in height, an additional one foot of rear setback shall be required for each additional four feet of height or portion thereof above 24 feet.

Sec. 5.03 [RMD-Residential, Medium Density.] The purpose is to provide for general mixed residential uses and light commercial and neighborhood commercial uses.

Sec. 5.03-A Permitted Uses

1. Colleges and dormitories
2. Community garages
3. Duplexes
4. Hospitals and clinics
5. Modular homes
6. Municipal buildings that are non-industrial in nature
7. Multiple-family dwellings, townhouses, condominiums, group or row housing, rooming or lodging houses, apartment buildings
8. Nursing homes
9. Parks, playgrounds and recreational areas
10. Single-family residential units.

Sec. 5.03-B Conditional Uses

1. Commercial parking
2. Fire halls
3. Light commercial and professional offices with low noise, low traffic, limited parking needs, no yard storage or noxious wastes and proper screening or buffering
4. Living quarters for persons employed on the premises
5. Other residences of a character similar to permitted residential uses
6. Private training schools
7. Planned Unit Developments (PUDS).

Sec 5.03-C Area and Density Requirements. Any RMD building or use shall be placed on a lot or parcel which meets these area minimum and density maximums:

1. Single-family residential, duplexes - 7,000 square feet
2. Multiple-family residences, condominiums and townhouses
  - (a) 10,000 square feet for three units
  - (b) 14,000 square feet for four units
  - (c) 2,000 square feet per additional unit above four units

3. In the RMD district there shall be no more than 19 units to the net buildable acre and the combined buildings or structures on the lot shall not cover more than 40 percent of the net buildable area of interior lots or 45 percent on corner lots.

Sec 5.03-D Setback Requirements. General residential requirements shall apply.

1. Front Yard

All residential, commercial or institutional uses or structures shall be setback 25 feet from the street or road easement line.

2. Side Yard

- a. Any principle structure shall have side yard setbacks which are 10 percent of the lot width and not less than six feet. Any principle structure on a lot greater than 100 feet wide shall have side yard setbacks which shall be a minimum of ten feet. Residential or commercial structures may be built to the side lot line and may be attached to the adjoining property provided that each structure is separated by fire separation walls of not less than one hour fire resistance rated construction.

- b. For multi-story residential structures with side yards, one additional foot of side yard setback shall be added to the minimum setbacks for every four feet or portion thereof in building height above 24 feet.

3. Rear Yard

Setbacks shall equal or exceed 20 feet for the principle structure. When the principle structure exceeds 24 feet in height, an additional one foot of rear yard setback shall be required for each additional four feet of height or portion thereof above 24 feet. Detached accessory buildings and garages may be five feet from the alley easement.

Sec. 5.04 RHD-Residential, High Density. The purpose of this district is to provide for the development of high density, mixed residential uses and light or neighborhood commercial uses.

Sec. 5.04-A Permitted Uses

1. Colleges and dormitories
2. Community garages
3. Duplexes
4. Hospitals and clinics
5. Modular homes



6. Multiple-family dwellings, townhouses, condominiums, group or row housing, rooming or lodging houses, apartment buildings, high-rise apartments
7. Non-industrial municipal buildings
8. Nursing homes
9. Parks and playgrounds and recreational areas
10. Single-family residential.

Sec. 5.04-B Conditional Uses

1. Commercial parking
2. Fire halls
3. Light commercial and professional offices with low noise, low traffic, limited parking needs, no yard storage or noxious wastes and proper screening or buffering
4. Living quarters for persons employed on the premises
5. Other residences of a character similar to permitted residential uses
6. Private training schools
7. Water reservoirs
8. Planned Unit Developments (PUDs).

Sec. 5.04-C Area and Density Requirements. Any RHD building or use shall be placed on a lot or parcel which meets these area minimum and density maximums:

1. Single-family residential, duplexes, multiple-family residences, condominiums and townhouses - 7,000 square feet for the first four units with an additional 1,000 square feet for each additional unit.
2. In the RHD district there may be more than 19 units to the net buildable acre and the combined buildings or structures on the lot shall not cover more than 50 percent of the net buildable area of interior lots or 55 percent on corner lots.

Sec. 5.04-D Setback Requirements. General residential requirements shall apply.

1. Front Yard

All residential, commercial or institutional uses or structures shall be setback 25 feet from the street or road easement line.

2. Side Yard

- a. Any principle structure shall have side yard setbacks which are 10 percent of the lot width and not less than six feet. Any principle structure on a lot greater than 100 feet wide shall have side yard setbacks which shall be a minimum of ten feet. Residential or commercial structures may be built to the side lot line and may be attached to the adjoining property provided that each structure is separated by fire separation walls of not less than one hour fire resistance rated construction.

- b. For multi-story residential structures with side yards, one additional foot of side yard setback shall be added to the minimum setbacks for every four feet or portion thereof in building height above 24 feet.

### 3. Rear Yard

Setbacks shall equal or exceed 20 feet for the principle structure. When the principle structure exceeds 24 feet in height, an additional one foot of rear yard setback shall be required for each additional four feet of height or portion thereof above 24 feet. Detached accessory buildings and garages may be three feet from the alley easement.

Sec. 5.05 [MH-Mobile Home.] The purpose of this district is to provide for the development of lots for permanent mobile homes, temporary mobile homes and other temporary housing types in addition to contained mobile home parks.

#### Sec. 5.05-A Permitted Uses

1. Single-family residential units, modular homes and Class-A mobile homes on individual lots with a permanent foundation
2. Twenty acres or larger licenced mobile home courts
3. Parks, playgrounds and recreational areas

#### Sec. 5.05-B Conditional Uses

1. Commercial recreational complexes
2. Fire halls
3. Laundramat
4. Licensed industrial housing
5. Licensed recreational vehicle (RV) parks
6. Light commercial and professional offices with adequate parking, low noise, low traffic, no yard storage or noxious wastes
7. Municipal buildings of a non-industrial nature
8. Rooms for not more than two boarders
9. Planned Unit Developments (PUDS).

#### Sec. 5.05-C Area and Density Requirements

1. Permanent mobile homes, modulars, or Class-A mobile homes shall not be placed on a lot smaller than 7,000 square feet;
2. Temporary mobile homes in a mobile home park shall not be placed on a lot under 6,000 square feet;
3. RV's and trailers in a RV park shall not be placed on a lot under 1,500 square feet;
4. Mobile home parks shall contain no more than six units per net buildable acre;
5. RV parks shall contain no more than 25 units or sites per net buildable acre;



6. The area covered by structures in a mobile home park shall not exceed 40 percent of the net buildable area of the park;
7. At least 10 percent of the total area of the mobile home park shall be set aside for parks, playgrounds or recreational areas;
8. Trailer homes or RV's shall not cover more than 50 percent of the area of the pad, lot or site.

#### Sec. 5.05-D Setback Requirements

##### 1. Front Yard

- a. Mobile homes not associated with a mobile home park: 25 foot front setback;
- b. Mobile homes in a mobile home park: 10 foot setback to the mobile home and 20 foot setback to any garage;
- c. RV's or trailer homes in a RV Park: 10 foot setback;
- d. Industrial housing structures shall have 25 feet minimum setback requirement.

##### 2. Side Yard Setback

- a. Mobile homes in courts and on individual serviced lots and trailers or RV's in courts shall have side lot setbacks of 10 feet and shall be 15 feet from any adjacent home, trailer or structure over 200 square feet in size;
- b. Industrial housing complexes shall have side yard setback of 10 percent of the lot width, not to be less than six feet. For each additional four feet or portion thereof in building height over 24 feet an additional foot of side yard setback shall be added to each side yard.

##### 3. Rear Yard Setback

- a. Mobile homes on individually serviced lots shall have rear setbacks of not less than 20 feet.
- b. Mobile homes in courts and trailers in trailer parks shall have rear yard setbacks of 10 feet and shall be 15 feet from any adjacent structure.
- c. Industrial housing complexes shall have no minimum required rear lot setbacks of 20 feet.

Sec. 5.06 [C - General Commercial and Office.] The purpose of this district is to provide for the development of medium density, general office, service and retail commercial.

#### Sec. 5.06-A Permitted Uses

1. Amusement and recreation establishments (i.e.) bowling alleys, pool halls, swimming pools, health clubs, mini golf and skating rinks;
2. Antique shops;
3. Appliance stores - sales and service;
4. Art and school supply stores; art galleries, studios;
5. Automotive accessory stores;

6. Automotive and truck (new and used) display and sales rooms, parking lots and structures, and when accessory thereto, the washing, cleaning, greasing and servicing of automobiles, including general repairs, overhauling, rebuilding or spray painting;
7. Bakery or pastry shops;
8. Banks - savings, institutions, loan and finance companies;
9. Barber and beauty shops;
10. Beverage stores;
11. Bicycle sales (including motorized) retail and repair shops;
12. Bookstores;
13. Business and professional offices;
14. Business machines (sales and service);
15. Camera or photographic supply stores (studios);
16. Clothing and apparel shops;
17. Clothes storage centers;
18. Commercial printing and publishing firms;
19. Confectionary stores;
20. Convenience stores (including dispensing of fuel to vehicles, excluding truck stops;
21. Coin and philatelic stores;
22. Dental and medical instruments and supplies manufacture and sales;
23. Department stores;
24. Drive-in restaurants;
25. Drug stores;
26. Dry goods and fabric stores;
27. Employment agencies;
28. Florists shops;
29. Furniture stores;
30. Garden supply;
31. Gift, novelty and souvenir stores;
32. Grocery stores;
33. Hardware stores;
34. Health clubs;
35. Hobby stores;
36. Hotels;
37. Interior decorating;
38. Jewelry (manufacture and sale);
39. Launderettes or self-service;
40. Laundry and dry cleaning collection;
41. Libraries;
42. Liquor stores;
43. Locksmiths and gunsmith shops;
44. Medical and dental clinics;
45. Medical and dental equipment stores;
46. Mortuary homes;
47. Motels and motor motels;
48. Municipal or county administrative buildings;
49. Music studios and musical instrument stores;
50. Newstands;
51. Parks, playgrounds and recreational areas;
52. Parking lots and ramps;
53. Pawn shops;
54. Pet shops (excluding kennels);



55. Police and fire stations;
56. Postal office and substations;
57. Rental agencies, clothing, appliances, automobile and household fixtures;
58. Repair stores and fix it shops, providing service for repair of home, garden yard and personal use;
59. Restaurants;
60. Schools, music, dance, business and vocational;
61. Secondhand stores;
62. Sewing machine (sales and service);
63. Shoe stores and shoe repair shops;
64. Sporting goods store;
65. Stock and brokerage firms;
66. Taverns and bars;
67. Telephone and telegraph office;
68. Television or radio sales and repair;
69. Theaters (enclosed structures only);
70. Travel bureaus;
71. Toy stores;
72. Variety stores;
73. Other similar uses.

#### Sec. 5.06-B Conditional Uses

1. Assembly and packing plants
2. Clubs and lodges
3. Drive-up sales establishments
4. Grain elevators
5. Implement dealerships
6. LP and fuel storage
7. Mail-order or warehousing/wholesale
8. Planned unit commercial development
9. Second story residential dwelling units
10. Special events like circuses, fairs, carnivals and bazaars
11. State or federally inspected slaughter houses
12. Truck terminals
13. Truck parking.

#### Sec. 5.06-C Area and Density Requirements

1. Commercial lots shall have a minimum size of 7,000 square feet.
2. There shall be no density requirements in the C district. Building or structure size and placement shall be governed by setback and off-street parking requirements.
3. Residential structure setbacks shall be governed by RMD or RHD requirements depending on the size or density.

Sec. 5.06-D Setback Requirements. The following uses and other uses to be determined by the planning and zoning commission shall not be located within 50 feet of a residential lot or residential district:

- a. Automobile service station
- b. Bowling alley
- c. Car lot
- d. Drive-in restaurant
- e. Truck terminal
- f. Veterinarian clinic

1. Front Yard

- a. There shall be no setback requirements in the C district for C uses except for those required for sidewalks.
- b. Residential structures in the C district shall meet RMD or RHD setbacks depending on density.

2. Side Yard

- a. There shall be no side yard setback requirements for commercial structures unless they abut a residential structure. In such cases a minimum side lot setback of 10 percent of the lot width, to be not less than six feet shall be required on the side(s) of the building facing the residential structure.
- b. Medium or high density residential structures within the commercial district shall adhere to RMD or RHD district side setback requirements.

3. Rear Yard

- a. There shall be no rear yard requirements for commercial structures or uses other than any required for parking, loading or unloading, and easements.
- b. Medium density residential uses shall adhere to RMD setback requirements.

Sec. 5.07 [HC - Heavy Commercial.] The purpose of this district is to manage the development of low-density commercial activities which may involve drive-up service, yard storage, wholesaling, assembly and light manufacturing, and extensive parking.

Sec. 5.07-A Permitted Uses

- 1. Archery or golf driving ranges
- 2. Automobile service stations
- 3. Cabinet shops
- 4. Car and truck wash establishments
- 5. Dairy products sales and distribution
- 6. Drive-in theaters
- 7. Electric sales and service
- 8. Electronic equipment (manufacture and sales)
- 9. Farm implement sales and service
- 10. Farm markets (fruits and vegetable sales)



11. Farm supply stores
12. Heating air-conditioning and plumbing sales and service
13. Industrial launderers
14. Kennels
15. Meat and meat products storage lockers
16. Rental and storage garages
17. Trailer and marine sales and display
18. Tire repair shops
19. Warehouses
20. All uses permitted in the C district.

#### Sec. 5.07-B Conditional Uses

1. Assembly plants and warehousing activities
2. Blacksmith shops and light forge work
3. Bottled gas dealers
4. Bottling works and beverage industries
5. Building materials yards, contractors yards, lumber yards
6. Cesspool, sewer and septic tanks services
7. Creameries
8. Electrical appliances assembly
9. Elevated tanks and waterworks
10. Freight and transportation terminals
11. Fuel and ice storage facilities
12. Gasoline and oil bulk stations and distributing plants
13. Grain and feed sales and storage centers
14. Industrial research laboratories
15. Junk yards (completely enclosed eight foot fence)
16. Leather goods (manufacturers and sales)
17. Light manufacture and stamping
18. Metal work establishments
19. Mineral and other substance exploration or excavation and mining in accordance with the provisions of Sec. 6.10
20. Monument works (casket and vault manufacture)
21. Paper and paper products (manufacturing and storage)
22. Research and testing laboratories
23. Restaurant supply stores
24. Screw machine products
25. Signs and advertising displays (sign and construction)
26. State, county and municipal maintenance shops and yard
27. Trailer and mobile home dealers (sales and display)
28. Veterinarian services, animal hospital
29. Warehousing establishments
30. Wholesaling activities and offices
31. All uses conditional in the C district.

#### Sec. 5.07-C Area and Density Requirements

1. HC uses shall have no minimum lot size requirement when city sewer and water is available or 40,000 square feet with septic system.

#### Sec. 5.08-B Conditional Uses

1. Adult entertainment centers
2. Airports
- 3. Anhydrous ammonia plant
4. Chemical fertilizer plant
5. Coal gasification or conversion plants
6. Coal mines
7. Construction workforce housing
8. Electric power generating plant
9. Foundry and forge operations
10. Liquid, gas bulk, explosive, highly compressed or other hazardous material storage ✓
11. Mineral and other substance exploration or excavation and mining in accordance with the provisions of Sec. 6.13
12. Noxious waste disposal
13. Planned unit industrial developments
14. Quarries and gravel pits
15. Reduction and rendering plants
16. Refineries
17. Restaurants to service industrial district employees
18. Sewage disposal plant
19. Smelting plant
20. Stockyards
21. Solid waste landfill
22. The manufacture of hazardous products
23. The manufacturer of odorous products.

#### Sec. 5.08-C Area and Density Requirements

1. I district uses shall have no minimum lot size requirements when city sewer and water are provided or 40,000 square feet with septic systems.
2. There shall be no density requirements in the I district. Building or structure size and placement shall be governed by setbacks and off-street parking requirements.

#### Sec. 5.08-D Setback Requirements

1. Front Yard

Any building or structure shall be setback at least 15 feet from the street line or easement of the access road, street or highway.

2. Side Yard

There are no side yard setback requirements in the I district.

3. Rear Yard

There are no rear yard setback requirements in the I district.



2. There shall be no density requirements in the HC district. Building or structure size and placement shall be governed by setbacks and off-street parking requirements.

#### Sec. 5.07-D Setback Requirements

1. Front Yard

Any building or structure shall be setback at least 15 feet from the street line or easement of the access road, street or highway.

2. Side Yard

Any building or structure in the HC district shall have side lot setback considered adequate given type of building construction.

3. Rear Yard

Any building or structure in the HC district shall have a rear yard setback of 20 feet to allow for complete access to all structures.

Sec. 5.08 [I - Industrial.] The purpose of this district is to allow for the development of manufacturing, wholesale and warehousing which may require yard storage, heavy equipment and which may be incompatible with other lighter uses.

#### Sec. 5.08-A Permitted Uses

1. Agriculture
2. Auto service stations
3. Bottling plant
4. Coal yard
5. Dairy plant
6. Farm equipment sales
7. Grain elevators
8. Hauling or storage yard
9. Heavy equipment sales
- 10. Junk/salvage yard
11. Lumber yard
12. Petroleum storage
13. Police and fire stations
14. Processing and refining of food or agricultural products
15. Public service structures
16. Recreational vehicle sales
17. Ready mix cement
18. Temporary yard storage
19. Truck terminal
20. Warehouse
21. Welding and fabricating
22. Welding shops
23. All permitted HC uses and conditional C uses except residences.

AMENDMENT TO THE STARK COUNTY ZONING ORDINANCE SEC. 5.08 TO SPECIFICALLY ALLOW OILFIELD SERVICE BUSINESSES AND INDUSTRIES IN INDUSTRIAL ZONED AREAS.

Sec. 5.09 P - Public and Recreational. The purpose of this district is to set aside areas for conservation, public recreation and full access public facilities.

Sec. 5.09-A Permitted Uses

1. Colleges
2. Cropping and grazing
3. Governmental office facilities
4. Maintained open space
5. Natural preserves
6. Parks, playgrounds and recreational areas
7. Schools.

Sec. 5.09-B Conditionally Permitted Uses

1. Associated commercial establishments
2. Boat houses, marinas and launch sites
3. Campgrounds/picnic grounds
4. Churches
5. Golf courses
6. Governmental shops and garages
7. Hospitals, nursing homes, clinics
8. Libraries
9. Licensed recreational vehicle parks
10. Single-family dwellings, cottages and mobile homes
11. Sports facilities, fields and arenas.

Sec. 5.09-C Prohibited Uses

1. General commercial or industrial uses and structures
2. Multi-family structures
3. Parking lots or garages.

Sec. 5.09-D Area and Density Requirements

Single-family dwellings and cottages - 40,000 square feet when on private septic systems.

Sec. 5.09-E Setback Requirements

Single-family dwellings and cottages with septic drain fields shall be setback a distance of 100 feet from any lot line or public right-of-way or edge of a drainageway.



ARTICLE VI  
SPECIAL PROVISIONS

Sec. 6.01 Compliance with other Regulations. No structure or use shall be established on a lot or parcel where said use or structure shall be in direct opposition to an approved master plan, pertinent subdivision restrictions or covenants and an adopted floodplain ordinance.

Sec. 6.02 Floodplain Ordinance. Residential and commercial developments shall be restricted and evaluated whenever said developments fall within the 100-year floodplain. The 100-year floodplain shall be identified by the planning commission and shall reflect the best available information and maps from the Federal Insurance Administration, local engineers or consultants.

All proposed uses or structures within an appointed 100-year floodplain shall be reviewed through the conditional use permit process. In addition to the standard conditions described in Article III the conditions shall include The conditions listed in the approved floodplain ordinance dated February 13, 1975, summarized as:

1. All residential structures shall be so constructed so that the lowest floor level is at or above the 100-year or base flood level.
2. All commercial or institutional structures shall be constructed to be floodproof to or above the base flood level.
3. All mobile homes within floodplain areas shall have the lowest floor at or above the base flood level and shall be anchored with over-the-top-tiedowns.

Sec. 6.03 Street, and Utility Access. All lots or parcels shall have proper access or easements for street access and for public utilities. Lots which are utilized for permanent residential use shall have a minimum 50 foot street frontage. Such access considerations shall be in compliance with adopted subdivision regulations and when involving state highway easements, receive approval from the State Highway Department. When an area is different in density or a previously vacant lot or parcel is to be developed, adopted subdivision regulation design standards shall apply.

Sec. 6.04 Road and Highway Setbacks. All land subdivided under the provisions of this Resolution, and all farm or nonfarm structures constructed, reconstructed or moved within the area of the unincorporated part of Stark County shall provide at least the following building setback when abutting and having access to any of the following:

Residential Buildings:

Section Line Road: Minimum of 110 feet from centerline  
Farm-to-Market Roads: Minimum of 125 feet from centerline

*Perme Easement 75' from centerline fence.*

*other easements 66'*

*USE 100' perimeter 100' OFF easement trees fence Run 14nd*

## RESOLUTION

The Stark County Zoning Ordinance adopted April 5, 1983, and amended is hereby further amended by adding to Sec. 6.04 the following paragraphs:

Utilities - underground and overhead:

Section lines: Minimum of 75 feet

Section line roads: Minimum 75 feet

Farm-to-Market roads: Minimum of 75 feet or existing right-of-way easement, whichever is greater.

Secondary State Highways: Minimum of 75 feet or existing right-of-way easement, whichever is greater.

Primary State Highways: Minimum of 75 feet or existing right-of-way easement, whichever is greater.

All other roads: Minimum of 75 feet or existing right-of-way easement, whichever is greater.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Chairman, Stark County Commission



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Secondary State Highways: Minimum of 150 feet from centerline  
Primary State Highways: Minimum of 200 feet from centerline  
All other Roads: Minimum of 80 feet from centerline.

Commercial, Industrial or Farm Buildings:

Section Line Road: Minimum of 130 feet from centerline  
Farm-to-Market Roads: Minimum of 145 feet from centerline  
Secondary State Highways: Minimum of 170 feet from centerline  
Primary State Highways: Minimum of 100 feet from centerline.

Sec. 6.05 Fencing, Screening and Landscaping. Access and visual barriers are required in certain districts and in areas which represent district boundaries. Fences and screens including vegetation buffers shall be designed or developed to serve a precise purpose and shall not inhibit pedestrian use of public easements or vehicle driver vision or movement.

Specific requirements:

1. Solid fences or plantings along front yards or street fronted side yards shall not be higher than  $2\frac{1}{2}$  feet above the public sidewalk for a distance of 20 feet from the street curb intersections of all streets.
2. Solid fences or plantings over  $2\frac{1}{2}$  feet above the public sidewalk shall not be allowed within 20 feet of the curb line or driveway or alley easement on any interior residential lot.
3. Solid walls or fences along side and rear property lines in a residential district shall not exceed six feet unless the abutting use is commercial. In such cases, walls or opaque fences may be seven feet in height.
4. All HC and I district storage areas, yards and setback areas shall be clean, orderly and maintained or screened from view with proper walls or fencing. Access will be maintained.

Sec. 6.06 Parking and Unloading. Off-street parking and unloading berths are required for certain uses in certain districts. When off-street parking is required spaces equalling 9 feet by 20 feet shall be provided per vehicle. All parking surfaces are to be hard, dust-free all weather surfaces.

1. Parking requirements are based on lot or structure use and principle structure floor area.
2. Where an alley exists, off-street parking and approaches shall be provided on the alley side.
3. Joint Use. The zoning administrator may authorize the joint use of parking facilities for the following uses or activities under conditions specified:

- (a) Up to 50 percent of the parking facilities required by this ordinance for primarily "night time" uses such as theaters, bowling alleys, bars, restaurants and related uses may be supplied by certain other types of building, or uses herein referred to as "day time" uses such as banks, offices, retail, personal service shops, clothing, food, furniture, manufacturing or wholesale and related uses.
  - (b) Up to 100 percent of the parking facilities required by this section for a church or for an auditorium incidental to a public or parochial school, may be supplied by the off-street parking facilities provided by uses primarily of a "day time" nature.
- 4. Mixed Occupancies: In the case of mixed uses, the total requirements for the various uses shall be computed separately. The total requirements to be the sum of the area computed. Off-street parking requirements to be the sum of the area computed. Off-street parking facilities for one use shall not be considered as a substitute for joint use.
  - 5. Conditions Required for Joint Use: The building or use for which application is being made to utilize the off-street parking provided by another building or use, shall be located within 300 feet of such parking facilities, in addition to which:
    - (a) The applicant shall show that there is no substantial conflict in the principle operating hours at the two buildings or uses for which joint use of off-street parking facilities is proposed.
    - (b) The applicant shall present to the zoning administrator a legal agreement executed by the parties concerned for joint use of off-street parking facilities.
  - 6. Use Not Specified: In the case of a use not specifically mentioned in Sec. 6.06-A (Minimum number in certain areas), the requirements for off-street parking facilities shall be determined by the zoning administrator. Such determination shall be based upon the requirements for the most comparable use listed:

Sec. 6.06-A Same - Minimum Number in Certain Areas. The minimum number of required off-street parking spaces for various uses shall be as follows:

- 1. One and two family dwellings, one parking space per unit. No garage shall be converted into living space unless other acceptable on-site parking space is provided.
- 2. Apartments, two parking spaces for each apartment, except housing for the elderly projects, which shall provide three-tenths parking space for each dwelling unit.
- 3. Mobile home parks, two parking spaces per mobile home berth.
- 4. Motel or motor hotels, one parking space for each rental room or suite.



5. Churches, one parking space for each four seats, based on the design capacity of the main seating area.
6. Elementary schools or junior high schools, two parking spaces for each classroom.
7. Senior high schools, one parking space for each classroom plus one parking space for each ten students, based on design capacity.
8. Public administration buildings, community center, public library, museum, art galleries, post office and other public service buildings, one parking space for each five hundred square feet of floor area in the principle structure.
9. Assembly or exhibition halls, auditoriums, theaters or sport arenas, one parking space for each four seats, based on design capacity.
10. Golf courses, golf clubhouses, country clubs, swimming clubs, tennis clubs or public swimming pools, twenty spaces plus one space for each five hundred square feet of floor area in the principle structure.
11. Hospitals, one parking space for each three beds.
12. Convalescent or nursing home, one parking space for each four beds.
13. Automobile service stations, four parking spaces plus an additional two parking spaces for each service stall. Such parking spaces shall be in addition to gas pump service area.
14. Drive-in restaurants, ten parking spaces or one space for each eighty square feet of gross floor area, whichever is greater.
15. Restaurants, cafes, night clubs, taverns or bars, one parking space for each two hundred square feet of gross floor area with ten spaces minimum requirement. If over 4,000 square feet of gross floor area, forty parking spaces plus one per 30 square feet of gross floor area in excess of 4,000 square feet shall be required.
16. Bowling alleys, five parking spaces for each bowling lane.
17. Miniature golf courses, archery ranges or golf driving ranges, ten parking spaces.
18. Business and professional offices, banks, medical and dental clinics and animal hospitals, one parking space for each five hundred square feet of floor area.
19. Retail stores less than 5,000 square feet of floor area, one parking space per 200 square feet of gross floor area. If over 5,000 square feet of floor area, twenty-five parking spaces plus one per 300 square feet in excess of 5,000 square feet.
20. Research, experimental or testing stations, one parking space for each employee on the major shift or one off-street parking space for each five hundred square feet of gross floor area within the building, whichever is the greater.

21. Auto sales, trailer sales, marine and boat sales, implement sales, garden supply stores, building materials sales, auto repair, one parking space for each five hundred square feet of floor area.
22. Shopping centers, where several business uses are grouped together according to a general development plan, onsite automobile parking shall be provided in a ratio of not less than three square feet of gross parking area for each one square foot of gross floor area; separate onsite space shall be provided for loading and unloading.
23. Storage, wholesale or warehouse establishments, one parking space for each two employees on the major shift or one space for each two thousand square feet of floor area, whichever is greater, plus one space for each company motor vehicle when customarily kept on the premises.
24. Manufacturing or processing plants, one off-street parking space for each two employees on the major shift or one off-street parking space for each one thousand square feet of gross floor area within the building, whichever is greater, plus one space for all company motor vehicles when customarily kept on the premises.
25. Service establishments, shoe repair, TV repair, electric motor repair, one parking space for each five hundred square feet of gross floor area.
26. Beauty shops and barber shops, two parking spaces for each station.

All parking spaces shall be located on the lot of the use they are to serve. When parking needs exceed lot capacities, off-street parking shall be developed on neighboring lots within 300 feet for an institutional use or 500 feet for any other non-residential building.

Any increases in parking needs of over 10 percent due to a change in associated use type or size shall be met in following with this ordinance.

Sec. 6.07 Off-street Loading - Location. All required loading or unloading into or out of trucks in excess of three-fourths ton capacity, or railroad cars, shall be conducted at facilities specifically designed or designated for that purpose. These facilities shall be located upon the zoning lot of the principle use requiring them. All berths beyond one shall be separate from areas used for off-street parking.

Each required off-street loading berth shall be so designed as to avoid undue interference with other vehicular or rail access or use of public streets, alleys or other public transport systems.

Sec. 6.07-A Same - Construction and Maintenance of Facilities. All off-street loading facilities, including loading berths and maneuvering areas, shall be surfaced with a hard, all weather, dust-free, durable surfacing material and shall be well drained and landscaped and shall be maintained in a sightly and well-kept condition.



Sec. 6.07-B Same - Size of Berths; Maneuvering Areas. Fifty percent of the required number of truck berths shall be fifty feet in length, twelve feet in width and fifteen feet in height. All loading areas shall consist of a maneuvering area in addition to the berth and shall not use any of that portion of the site containing parking stalls. Maneuvering areas shall be of such size as to permit the backing of truck tractors and coupled trailers into a berth without blocking the use of other berths, drives or maneuvering areas.

Sec. 6.07-C Same - Minimum Number of Spaces in Certain Areas. The following uses shall observe required loading and unloading spaces as indicated:

1. Motels, hotels, lodging and rooming houses, private clubs and lodges, one for each structure over twenty thousand square feet of gross floor area.
2. Light and heavy commercial uses except where otherwise specified, one space for the first ten thousand square feet of gross floor area and one space for each additional fifty thousand square feet of gross floor area.
3. Auditoriums, stadiums, gymnasiums, community centers and religious institutions and schools (private and public), one for each structure over one hundred thousand square feet of gross floor area.
4. Office buildings and professional offices (other than doctor and dentist) and banks, one space for buildings between thirty thousand and one hundred thousand square feet of gross floor area and one space for each additional one hundred thousand square feet of gross floor area.
5. Restaurants and other food-dispensing establishments, except drive-in restaurants, one for each structure with over ten thousand square feet of gross floor area.
6. Furniture, automobile and boat sales and appliance sales, one space plus one additional space for each twenty-five thousand square feet of gross floor area.
7. Hospitals, rest homes, nursing homes, etc., one space plus one additional space for each one hundred thousand square feet of gross floor area.
8. Bowling alleys, one space for each structure over twenty thousand square feet of gross floor area.
9. Manufacturing and research, experimental or testing stations, one space for each fifty thousand square feet of gross floor area.

Sec. 6.08 Building Compliance. ~~All building, constructing or remodeling shall be done in compliance with the adapted addition of the Basic Building Code of the Building Officials Conference of America, Inc. (BOCA). Matters affecting type of construction, square footage, height, depth of footings,~~

~~fire exits, insulation and roofing shall be regulated by the codes.~~ State of North Dakota plumbing and electric codes are herein adopted and considered the standards by which all such construction or work within in the county shall comply.

Any building or structure which is to utilize a private water and sewer system shall, prior to final approval and hookup have said system inspected by the Southwest District Health Unit, and shall receive certification that the system as designed and positioned will meet state of North Dakota Health Department standards for such systems.

Any use, structure or facility which is regulated under state or federal guidelines shall be in compliance with state or federal guidelines and certification of such compliance shall be provided the appropriate zoning body before final approval and certification of occupancy shall be granted. Such uses or structures shall include but shall not be limited to slaughter houses, sewage lagoons, sanitary landfills, coal mines, coal conversion facilities, oil or gas development sites, oil and gas pipelines, oil and gas processing or compression plants, mobile home parks, trailer parks, airports, feedlots, salvage or junk yards, drive-in theaters, golf course or driving range, excavation of sand or gravel.

Oil and gas pipelines shall be registered with the register of deeds of Stark County as to owner of said pipeline and the type and location of said pipeline identified down to the quarter-section pursuant to Section 11-18-20 of the North Dakota Century Code.

Sec. 6.09 Height Restriction. All buildings excluding those used for industrial, agricultural or institutional purposes shall not be greater than 40 feet in height except by variance and shall not affect solar access for neighboring structures. Said height restrictions shall apply to the main frame of the building and shall not affect church spires, T.V. aerials, solar panels, satellite dishes, flagpoles, chimneys, elevator bulkheads, ventilation and heating equipment or hose towers.

All free standing structures which exceed 40 feet in actual height shall be erected or constructed only following approval of a conditional use permit. Such structures shall include radio towers, T.V. towers, wind chargers, microwave towers, water tanks or towers, venting pipes or flaring towers.

Sec. 6.10 Mineral or other Substance Exploration, Excavation and Mining. Any operation involved in the search, exploration or prosperity for any substance or mineral or involved in the extraction or excavation of any mineral or material including sand, gravel or scoria shall do so only upon the granting of a land disturbance permit by the board of county commissioners, ~~following a public hearing and upon favorable recommendation of the planning and zoning commission.~~ The permit shall be valid for a period of one year. *Removed 5/4/95*



Sec. 6.10-A Submission of Application and Plan. The applicant shall submit the following to receive a permit:

- Remitted  
3/4/95
1. Written evidence of the approval of landowner or landowners.
  2. A legal description of the permit area and a map of proposed operations.
  3. ~~Evidence that historical or archeological artifacts have been inventoried.~~
  4. Evidence that excavation operations and reclamation shall take place in accordance with Public Service Commission (PSC) or Industrial Commission (IC) requirements.
  5. A plan indicating type of operation, hauling routes, elevations, drainage and reclamation plans for future use.
  6. Acceptance of the responsibility to ensure the health and safety of the general public through the use of sound procedures and proper barriers or fencing.
  7. ~~A performance bond to the county in an amount to be determined by the county commission, not to be less than \$500.00 to cover the expense of completing the project and/or reclaiming the site.~~

Sec. 6.10-B Exemptions. Activities which are part of a farm or private operation or operations by Stark County and Stark County communities shall be exempt from the provisions of Sec. 6.10.

fire exits, insulation and roofing shall be regulated by the code. State of North Dakota plumbing and electric codes are herein adopted and considered the standards by which all such construction or work within in the county shall comply.

Any building or structure which is to utilize a private water and sewer system shall, prior to final approval and hookup have said system inspected by the Southwest District Health Unit, and shall receive certification that the system as designed and positioned will meet state of North Dakota Health Department standards for such systems.

Any use, structure or facility which is regulated under state or federal guidelines shall be in compliance with state or federal guidelines and certification of such compliance shall be provided the appropriate zoning body before final approval and certification of occupancy shall be granted. Such uses or structures shall include but shall not be limited to slaughter houses, sewage lagoons, sanitary landfills, coal mines, coal conversion facilities, oil or gas development sites, oil and gas pipelines, oil and gas processing or compression plants, mobile home parks, trailer parks, airports, feedlots, salvage or junk yards, drive-in theaters, golf course or driving range, excavation of sand or gravel.

Oil and gas pipelines shall be registered with the register of deeds of Stark County as to owner of said pipeline and the type and location of said pipeline identified down to the quarter-section pursuant to Section 11-18-20 of the North Dakota Century Code.

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\*\*\*\* Board passed resolution

5-2-95



Sec.6.10-A Submission of Application and Plan. The applicant shall submit the following to receive a permit.

1. Written evidence of the approval of landowner or landowners.
2. A legal description of the permit area and a map of proposed operations.
3. Evidence that excavation operations and reclamation shall take place in accordance with Public Service Commission (PSC) or Industrial Commission (IC) requirements.
4. A plan indicating type of operation, hauling routes, elevations, drainage and reclamation plans for future use.
5. Acceptance of the responsibility to ensure the health and safety of the general public through the use of sound procedures and proper barriers or fencing.

Sec.6.10-B Exemptions. Activities which are part of a farm or private operation or operations Stark County and Stark County communities shall be exempt for the provisions of Sec.6.10.

#### Sec 6.11 SOLID WASTE DISPOSAL FACILITY

Solid waste disposal facilities as regulated by this section shall include all facilities for the incineration or disposal of solid waste or solid waste residue which are required to be permitted under statute or rule by the North Dakota Department of Health and Consolidated Laboratories. A solid waste disposal facility may be allowed in any Agricultural zone as a special use provided:

- (a) It is located at least one (1) mile from any residence or residentially zoned area unless written approval is obtained from the owner(s) of all property(s) within this area.
- (b) It is continuously licensed and approved by the State Health Department as to location and operation.
- (c) There is no substantive evidence that the facility will endanger the public health or the environment.
- (d) The special use permit will be valid for a period of time set by the Board of County Commissioners. For the permit to be approved sixty percent (60%) of all property owners within one (1) mile of the proposed location must approve of the proposed facility.

Sec.611.1 Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Sec.6.11.2 Effective Date. This ordinance shall be in full force and effect from and after its final passage and adoption.

Sec.6.11.3 Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Sec.6.11.4 Interpretation/Intent.

1. The word "shall" is mandatory and not discretionary, the word "may" is permissive.
2. Words used in the present tense shall include the future, and words used in singular member shall include the plural and the plural shall include singular.
3. The provision of this ordinance shall be held to be the minimum requirements for promotion and protection of public health, safety, general welfare and protection of environment, and it is the explicit intent of this ordinance to promote and protect these objectives.



ARTICLE VII  
PERFORMANCE STANDARDS

Sec. 7.01 Intent. It is the intent of this article to provide that industry and related activities shall be established and maintained with proper appearance from streets and adjoining properties and to provide that each such permitted use shall be a good neighbor to adjoining properties by the control of the elements set forth in the following sections of this article.

Sec. 7.02 Investigations and Tests Showing Compliance with Article. In order to assure compliance with the performance standards of this article, the board of county commissioners may require the owner or operator of any permitted use to have made such investigations and tests as may be required to show adherence to the performance standards or may rely on an evaluation by the zoning administrator. When investigations and tests are required to be made, they shall be carried out by an independent testing organization as may be agreed upon by all parties concerned or if there is failure to agree, by such independent testing organization as may be selected by the board of county commissioners after thirty days' notice. The costs incurred in having such investigations or tests conducted shall be shared equally by the owner or operator and the county, unless the investigations and tests disclose noncompliance with the performance standards in which event the entire investigation or testing cost shall be paid by the owner or operator.

The procedure above stated shall not preclude the county from making any tests and investigations it finds appropriate to determine compliance with these performance standards.

Testing procedures may differ from time to time dependent on existing and acceptable practices. The state health department shall be an appropriate reference in this regard.

Sec. 7.03 Noise Attenuation and Measurement. Noise shall be measured on any property line of the tract on which the operation is located. Noise shall be muffled so as not to become objectionable due to intermittance, beat frequency, shrillness or intensity. At the property line, the sound pressure level of noise radiated continuously from a facility shall not exceed the values given in the following table. The sound pressure level shall be measured with a sound level meter and an associated octave band analyzer both of which are manufactured to specification published by the American Standard Specifications for an octave band filter set for the analysis of noise and other sounds, Z24. 10-1953, American Standards Association, Inc., New York, New York. Measurements shall be made using the flat network of the sound level meter.

Maximum permissible sound pressure levels of specified points of measurement for noise radiated continuously from a district shall be as follows:

<u>District</u>	<u>Maximum permitted sound level (decibels)</u>
Industrial	
7 a.m. to 11 p.m.	80
11 p.m. to 7 a.m.	75
Commercial	
7 a.m. to 11 p.m.	65
11 p.m. to 7 a.m.	60
Residential	
7 a.m. to 11 p.m.	55
11 p.m. to 7 a.m.	50

The zoning administrator may evaluate the noise level at the property line and may make a determination as to whether or not the level of noise is acceptable.

Sec. 7.04 Drainage and Landscaping of Open Areas. All open areas of any site, lot, tract or parcel shall be graded to provide proper drainage and except for areas used for parking, drives or storage. It shall be the owner's responsibility to see that this landscaping is maintained in an attractive and well kept condition. All vacant lots, yards or setback areas, tracts or parcels shall also be properly maintained.

Surface runoff rates shall not be increased by any action during or after construction on a lot development. Runoff rates shall be evaluated for the particular lot, tract or parcel.

Where the impervious surface of the lot or parcel has been increased compensatory measures shall be taken to maintain proper runoff levels.

Sec. 7.05 Discharge of Toxic, Noxious or Odorous Matter. No activity or operation shall cause at any time the discharge of toxic, noxious or odorous matter beyond the limits of the immediate site where it is located in such concentration as to be obnoxious or otherwise detrimental to or endanger the public health, welfare, comfort or safety or cause injury to property or business.

Sec. 7.06 Lighting. All sources of artificial light on a commercial, heavy commercial or industrial site shall be so fixed, directed, designed or sized that the sum total of their illumination will not increase the level of illumination on any nearby residential property by more than 0.1 foot candle or within 25 feet of a dwelling nor more than 0.5 foot candle or any other part of the property. The zoning administrator may waive measurement procedures and may make a decision as to the acceptability of the lighting in question.

Glare, whether direct or reflected, as differentiated from general illumination shall not be visible from beyond the limits of the immediate site from which it originates to neighboring residents or passing pedestrians or motorists.



During the hours a business or commercial area is closed there shall be no parking area lighting requirements.

Sec. 7.07 Vibration. Vibration shall not be discernible at any property line to the human sense of feeling for three minutes or more duration in any one hour. Vibration of any kind shall not produce at any time an acceleration of more than 0.1 gravities or shall not result in any combination of amplitudes and frequencies beyond the "safe" range of table VII, United States Bureau of Mines Bulletin No. 442, "Seismic Effects of Quarry Blasting" on any structure. The methods and equations of such bulletin shall be used to compute all values for the enforcement of this provision.

Sec. 7.08 Smoke. Measurement shall be of the point of emission. The Ringlemann Smoke Chart published by the United States Bureau of Mines in Circular No. 7718 can be used for the measurement of smoke. However, a revised procedure using the percentage of opacity or obstruction is now a more acceptable method. (Environmental Protection Agency Reference No. 9). Emission levels will conform to existing air quality standards as established by law.

Sec. 7.09 Emission of Solid or Liquid Particles into Atmosphere. Solid or liquid particles shall not be emitted at any point in concentrations exceeding allowable state air quality standards as established by law.

Sec. 7.10 Emission of Noxious, Toxic or Corrosive Fumes or Gases. Fumes or gases shall not be emitted at any point in concentration or amounts that are noxious, toxic or corrosive. Established state air quality standards will be used to determine the permitted level of emissions. Detailed plans for the elimination of fumes or gases may be required before the issuance of a building permit.

## ARTICLE VIII

### SIGNS

Sec. 8.01 Compliance with Article, Ordinances, etc. All signs hereafter erected or maintained, except official, public traffic and street signs, shall conform with the provisions of this article, other ordinances or regulations of the county.

Sec. 8.02 All Districts. The following regulations shall apply to all signs in all districts:

1. Signs shall not be permitted within the public right-of-way or easements. The bottom of any extending sign shall be 10 feet or more above any sidewalk.
2. Flashing or rotating signs resembling emergency vehicles shall not be permitted in any district.
3. No sign shall be placed that resembles any official marker erected by a governmental agency or displaying such words as "stop" or "danger".
4. No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, air or access to any building or structure.
5. Upon official notification that a sign is rotted, unsafe or unsightly, the owner of said sign or owner of property thereunder shall remove or repair same.
6. The owner, lessee or manager of any ground sign and the owner of the land on which such sign is located shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which a sign is located.
7. Political signs may be permitted for a period of not more than thirty days before and ten days after an election.

Sec. 8.03 R - Residential Districts. No sign shall be erected in or within 100 feet of any of the classes of residence districts, except:

1. Nameplates. A nameplate sign identifying the owner or occupant of a building or dwelling unit; provided, that such sign does not exceed two square feet in surface area. Such signs may be illuminated.
2. Lease or sale signs. A sign pertaining to the lease or sale of the building or property; provided, that such sign does not exceed four square feet in surface area. Such signs shall not be illuminated.
3. Construction. A temporary sign identifying an engineer, architect, contractor or product engaged in or used in the construction of a



building; provided, that such sign does not exceed four square feet in surface area and is removed prior to the occupancy of the building. Such sign shall not be illuminated.

4. Identification of churches, schools, hospitals, etc. One identification sign not to exceed twenty-four square feet in surface area displaying directional information for churches, schools, hospitals, sanitariums, clubs, libraries or similar uses. Such signs may be illuminated.
5. Informational signs for churches, schools, hospitals, etc. Directional, unilluminated signs not exceeding two square feet in surface area displaying directional information for churches, schools, hospitals, sanitariums, clubs, libraries or similar uses; provided, that each such use shall be limited to one such sign per thoroughfare approach.
6. Street identification signs, directional signs, etc., in parking areas. Public street identification signs, traffic signs and directional signs in any parking area where such signs are necessary for the orderly movement of traffic.

Sec. 8.04 C - Commercial Districts. Signs may be erected in commercial districts subject to the following provisions:

1. Size and illumination of business signs. The total area of all business signs on a lot shall not exceed two square feet per lineal foot of lot frontage or ten percent of the building frontage area, or seventy-five square feet in area, whichever is greater. Signs may be illuminated.
2. Size of advertising structures. Advertising sign structures shall be limited to one for a lot of one hundred foot frontage or less and to only one for each additional one hundred feet of additional lot frontage.
3. Number on advertising structure; length. Such advertising structure may not contain more than two signs per facing, nor exceed fifty-five feet in total length.
4. Adjacent to residential district. No advertising sign may be erected within one hundred feet of an adjoining residential district.
5. Determination of frontage on corner lots. For corner lots, the "frontage" used to determine allowable sign area shall be the least dimension along a street, but an equivalent sign area shall be allowed facing the intersecting street.
6. Height. No sign shall project higher than six feet above the height of the building, or thirty-two feet above average grade at the building line, whichever is greater.

7. Signs painted on buildings. Signs painted on a building shall be governed by the square footage limitations specified above. Such signs shall be maintained in good condition and shall be repainted, removed or painted out when, in the opinion of the zoning administrator, they are not so maintained.
8. Illumination. Where a sign is illuminated, the source of light shall not be visible from any public right-of-way such light shall be directed away from any residential district.

Sec. 8.05 I - Industrial districts. Signs may be erected in industrial districts subject to the following provisions:

1. Size. The total surface area of all business signs on a lot shall not exceed three square feet per lineal foot of lot frontage or twenty percent of the building frontage area or three hundred square feet in area, whichever is greater.
2. Illumination. Such signs may be illuminated.



ARTICLE IX  
APPLICATION PROCEDURE

Sec. 9.01 Permitted Use Permit. A permitted use permit is required for any move to another foundation, change or establishment of use in addition to any construction which involves a cost of materials in excess of \$1,500 or which represents a change to foundation dimensions. Application procedures generally involve the applicant and zoning administrator. When unusual circumstances arise the board of county commission may have to intervene. The procedure is as follows:

1. Acquire a permit application from auditor or zoning administrator. Review application with said official and discuss project merits, strengths and possible shortcomings.  
  
The application shall at a minimum address:
  - (a) Identification information on the applicant;
  - (b) Information on site or property characteristics and status including deed title, legal descriptions, covenant restrictions, plat approval, dimensions and use of each existing structure;
  - (c) Nature of the proposed action;
  - (d) A detailed floor plan and cross-section with dimensions, to include front and rear elevations, lot coverage and yard dimensions.
  - (e) Information on building materials and standards that will be followed.
  - (f) Itemized cost of construction or move.
2. Complete application enlisting the assistance of engineers, attorneys, sanitarians, soil scientist, contractor or any other consultants required. Submit application to zoning administrator or county auditor, review for completeness and determine time period for decision.
3. Zoning administrator will review application for zoning and plat condition compliance, inspect site and take action on the application. The zoning administrator may approve the application and receive the fee, may deny the application for noncompliance or may defer the application to the board of county commissioners.
4. If deferred, the application shall be forwarded to the board of county commission for a determination; to be made at their next regularly scheduled meeting.

Sec. 9.02 Conditional Use Or Special Use Permit. Special permits are granted by the board of county commissioners with preliminary administrative duties handled by the auditor or zoning administrator. The application procedure is as follows:

1. Acquire a special permit application from the auditor or zoning administrator. Review project with said official to examine its merits and possible problems.
2. Complete application and present to county planning and zoning commission on behalf of the county commissioners for initial review and for the setting of a public hearing date.
3. Zoning administrator contacts affected parties with information regarding the public hearing.
4. Board of county commissioners through its planning and zoning commission conducts public hearing, receives public input then approves as presented, recommends, approves with modifications or denial of the application. The application is forwarded on to the county commission for final action. If the application is approved the zoning director is instructed to issue the permit.
5. Zoning administrator issues permit.

Sec. 9.03 Certificate of Occupancy. The certificate of occupancy shall be administered by the zoning administrator. Said zoning administrator is empowered to grant any certificate of occupancy or issue a citation where a violation has occurred. An applicant who has been granted a building permit, permitted use permit or conditional use permit shall follow these procedures to receive a certificate of occupancy.

1. Contact zoning administrator at the completion of the construction program to request a site inspection.
2. At his/her earliest convenience the zoning administrator and/or building inspector shall inspect the site and/or structures and review same for compliance with the building or conditional permit.
3. The zoning administrator shall issue a certificate of occupancy if he/she finds the project to be in compliance with previous issued permits. If the project does not comply the zoning administrator may instruct the applicant to make corrections and re-request a certificate or may issue a citation for a direct violation of the ordinance and permit provisions.

Sec. 9.04 Variance to the Zoning Ordinance. Any person may request a variance to certain provisions of the Stark County Zoning Ordinance due to personal hardships resulting from a unique set of conditions affecting the property. Said request for a variance shall be reviewed by the zoning administrator and acted upon by the Stark County Board of County Commissioners following a proper public hearing and recommendation of the planning and zoning commission. The application procedures are as follows:

1. Acquire an application for a variance from the zoning administrator and review the merits of the proposal with the administrator.



2. Complete the application and submit the same to the zoning administrator. The application shall specify:
  - (a) The unique characteristics of the land or structures in question which makes a variance necessary;
  - (b) The nature of the applicants hardship;
  - (c) That the project as proposed will not create any special privilege for the applicant nor harm or endanger the health, safety and welfare of the general public;
  - (d) Specific height, lot size, setback, parking, street access, screening or excavating conditions requested.
3. The zoning administrator shall conduct an initial review, shall set a date for a public hearing and shall publish notice of the public hearing within seven (7) days of the hearing.
4. The board of county commissioners through its planning and zoning commission shall conduct the public hearing on the variance application. The planning and zoning commission shall hear all testimony for and against and make their recommendation for approval or non-approval with any suggested changes to the county commission. The county commission will act upon the application.

Sec. 9.05 Amendment to the Zoning Ordinance and Map. Any change in the ordinance or map requires one public hearing and action by the Stark County planning and zoning board and the county commissioners. The application procedures are as follows:

1. Acquire application from zoning administrator or county auditor, complete application and re-submit to the zoning administrator.
2. The zoning administrator shall forward said application to the county planning and zoning commission, at their next regularly scheduled meeting.
3. The planning and zoning commission shall review and discuss the request with the applicant and shall set a date for the public hearing.
4. Notice of the amendment hearing shall be made in the following ways:
  - (a) Once a week for two successive weeks, notice of the time and place of the hearing shall be published in the official paper of the county.
  - (b) The zoning administrator shall notify the applicant of the time and place of said hearing.
  - (c) The applicant shall acquire the signatures of the owners of all properties within 200 feet of the property in question indicating their approval of the proposed changes.
5. The planning and zoning commission shall conduct the public hearing and shall forward a recommendation to the county commission regarding the amendment.

6. The county commission, upon receipt of the recommendation of the planning and zoning commission, approve or deny the amendment. If recommendation has not been forwarded to the county commission from the planning and zoning commission within 60 days of the initial planning and zoning commission hearing, then the county commission may take action without a recommendation.

Sec. 9.06 Protest and Appeal Any person aggrieved by a decision of the zoning administrator or county commission may protest the decision or appeal the decision to district court. Protests or appeals to the board of county commission do require a formal application and are initiated with the zoning administrator.

1. A protest of a zoning amendment approved by the county commission shall be filed within 10 days following the approval of said amendment. The protest shall be signed by not less than 20 percent of the owners of:
  - (a) The area of the lots included in such proposed change; or
  - (b) The area adjacent, extending one hundred and 50 feet from the area to be changed excluding the width of streets.
2. Following the filing of a protest a public hearing shall be scheduled. Notice of the time and place of the public hearing shall appear in the official paper of Stark County not less than 15 days prior to the date of the hearing.
3. The amendment receiving a proper protest shall not be approved except by a 3/4 vote of the county commission.
4. Any decision of the zoning administrator may be appealed to the board of county commission within a period of 60 days. The board of county commission may reverse, affirm, amend, adjust or change any decision of the zoning administrator. The board shall receive all papers or materials representing prior action or decisions on the matter. A hearing on the appeal shall be given due notice and any person or their representative may be allowed to testify.

The board shall endeavor to protect the health, safety and welfare of the general public and shall not reverse or change any decision such that the general public may suffer.

The board may vary, modify or have any restriction of their ordinance provided that the public safety and welfare is secured.

5. Any decision of the board of county commissioners may be appealed to district court as provided in chapter 40-47-08, North Dakota Century Code.



Sec. 9.07 Fees. Application for permits or actions by the various boards or individuals involved in zoning shall have attached any required fees prior to permit granting.

The fee schedule may change from time to time and shall be set by resolution of the county commission.

ARTICLE X  
ADMINISTRATION

Sec. 10.01 Zoning Administrator. The zoning administrator shall be designated by the county commission and shall administer and enforce these regulations. The zoning administrator shall not be a member of the planning and zoning commission or the board of county commission but may be the building inspector. The zoning administrator shall have the following duties:

1. He or she shall be the initial contact for any action in zoning as same regards permits, applications or conditional use permits or variances.
2. He or she shall be the initial contact for persons having questions about zoning or reporting zoning violations.
3. He or she shall inspect or cause an inspection projects under construction at any time.
4. Make recommendations to the zoning commission and serve as secretary.
5. He or she shall issue Certificates of Occupancy when the building project is completed and if said construction complies with the work outlined in the building permit.
6. He or she shall issue letters informing owners of non-conforming buildings (building existing in a zoning district prior to the time of adoption of the zoning ordinances that don't conform or fit the type of zoning designated for that area).
7. Issue all zoning permits awarded in compliance with this ordinance. In the absence of a zoning administrator, the county auditor shall issue permits following approval from two designated zoning commission members.

If the zoning administrator shall find any provision of these regulations is being violated, he or she shall notify in writing the persons responsible for such violation and order corrective action. He or she shall order discontinuance of illegal use of land, structures or buildings; removal of illegal buildings or structures or of additions or alterations or structure changes thereto; discontinuance of any illegal work being done; or shall take any further action authorized by these regulations or by state law to insure compliance therewith or to prevent its violation.

Sec. 10.02 Planning and Zoning Commission. The planning commission shall be appointed by the county commission and may be installed as the zoning commission. The planning and zoning commission shall have the following duties:

1. Recommending district boundaries and zoning regulations to the commission.



2. Investigating and making recommendations to the commission on any proposed amendments to the ordinance and zoning map.
3. Act as advisors to the county commission.
4. The zoning commission shall not issue any permits or grant any variances.
5. Conduct regularly scheduled monthly meetings.

Sec. 10.03 County Commission. The duties of the commission shall include:

1. Appoint the planning and zoning commission and the zoning administrator.
2. Adoption of the original zoning ordinances which set forth the district boundaries and zoning regulations.
3. Setting fees and fines associated with the administration and enforcement of the zoning ordinance.
4. Approve or deny any amendments to the zoning ordinance.

Sec. 10.04 Appeals from the Decisions of the Board of County Commission.  
Any person or persons, or any board, taxpayer, department, or bureau of the county aggrieved by any decision of the board of county commission may seek review in the District Court of the State of North Dakota in the manner provided by the laws of the state of North Dakota.

ARTICLE XI  
VIOLATIONS

Sec. 11.01 Violation. If any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or if any buildings, structure or land is used in violation of these regulations the proper county authorities or any affected citizen or property owner, in addition to other remedies, may institute any appropriate action or proceedings:

1. To prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use;
2. To restrain, correct or abate such violations;
3. To prevent the occupancy of the building, structure or land; or
4. To prevent any illegal act to conduct business or use in or about such premises.


Sec. 11.02 Complaints Regarding Violations. Whenever a violation of these regulations occurs or is alleged to have occurred, any person may file a written statement of suspected violation, such statement shall fully state the causes and basis thereof and shall be filed with the zoning administrator. The zoning administrator shall record properly such statement, immediately investigate the allegations of said statement and make a determination that a violation has occurred. If the zoning administrator finds that a violation has occurred, said zoning official shall notify in writing the persons responsible for such violation and order corrective action or contact city, county or state enforcement officials when other or existing laws may have been violated. Should said persons fail to comply with said order, the zoning administrator shall present a proper complaint of non-compliance to the county court, who shall then deal with the matter as per these ordinances and the laws of the State of North Dakota.

Sec. 11.03 Penalty. Any person, firm or corporation violating any of the provisions of this ordinance shall upon conviction thereof be punished by a fine of not more than \$500.00 or by imprisonment for not more than 30 days or by both such fine and imprisonment.

\* \* \* \* \*

Adopted this 5th day of April, 1983 by the Stark County Commission.

  
Eric Arntson, Chairman

  
Dolores Mischel, County Auditor